Xerox File No. A1466-US-NP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of	Group Art Unit: 2194
Applicant: Aaron S. Witt, et al	Examiner: Andy Ho
Application No. 09/943,397	Confirmation No. 8229
Filed: August 30, 2001	
Title: SCANNER-INITIATED NETWORK-BASED IMAGE INPUT SCANNING	Customer No.: 25453

Sir:

LETTER

Attached hereto is a revised Appeal Brief, filed in response to the Notice of Non-Compliant Appeal Brief mailed November 2, 2006.

The revised Appeal Brief is believed to overcome the objections made in the Notice.

The Request for Oral Hearing, made with the filing of the original Appeal Brief, still stands.

Respectfully submitted,

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RH:gm

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BRIEF ON APPEAL

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APPELLANTS' BRIEF ON APPEAL

Appellants hereby appeal to the Board of Patent Appeals and Interferences from the Examiner's Final Rejection of claims 21-29, which was contained in the Office Action mailed February 16, 2006.

A timely Notice of Appeal was filed June 6, 2006.

I. Real Party In Interest

The real party in interest for this appeal and the present application Xerox Corporation, by way of an Assignment recorded in the U.S. Patent and Trademark Office at Reel 12144, Frame 777-778.

II. Related Appeals And Interferences

There are no prior or pending appeals, interferences or judicial proceedings, known to Appellant, Appellant's representative, or the Assignee, that may be related to, or that will directly affect or be directly affected by or have a bearing upon, the Board's decision in the pending appeal.

III. Status Of The Claims

Claims 1-20 have been cancelled during prosecution.

Claims 21-29 are on appeal.

Claims 21-29 are pending.

IV. Status Of Amendments

An Amendment After Final Rejection, with no changes to the claims, was filed on May 4, 2006. By an Advisory Action dated June 2, 2006, it was indicated that the requested amendments had been considered, but had not placed the application in condition for allowance.

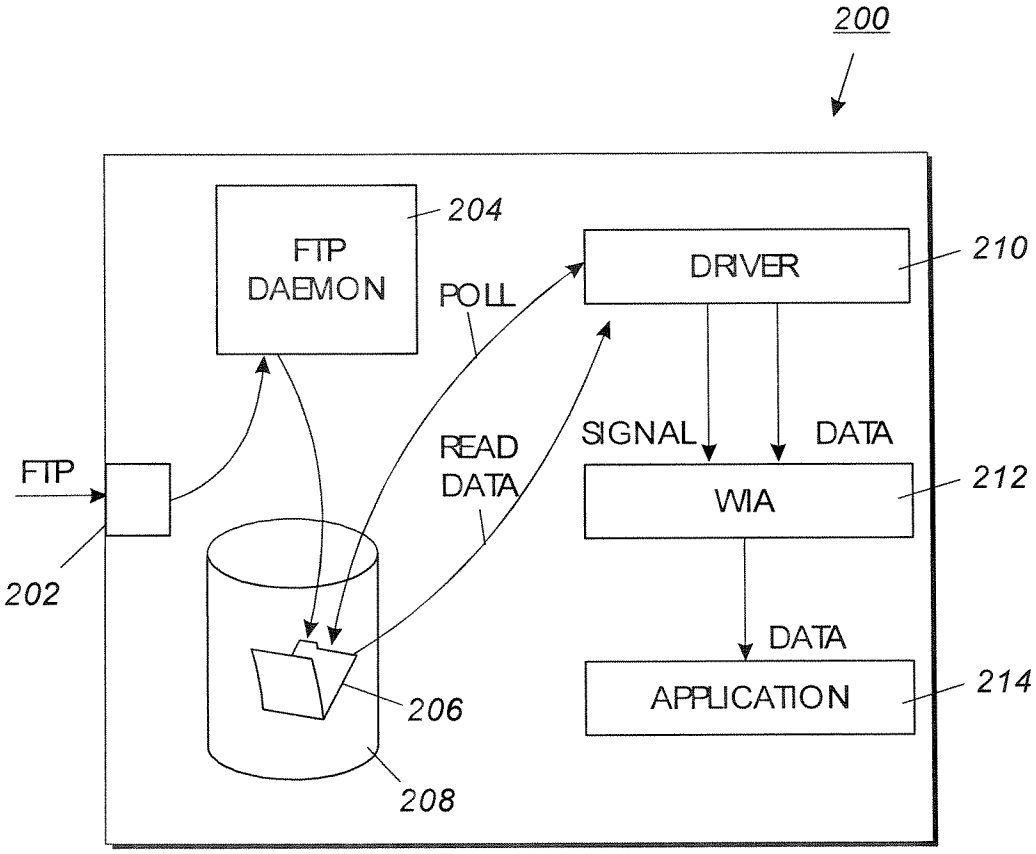
V. Summary of Claimed Subject Matter

The present invention relates to scanning of hard-copy images to computers in a networked environment.

In the current office-equipment market, for input scanning in the network context, it has become familiar to use a "scan server" as an intermediary between one or more scanners and a population of possible destination computers. A diagram explaining the essentials of the use of a network server is shown as 99 in Figure 1 as filed. The present invention is directed to a method and apparatus wherein a scanner may directly send image data to a particular destination computer on the network, without an intermediate scan server, such as shown as 99 in Figure 1 as filed.

With the claimed invention, an intermediate scan server does not need to be interposed between a population of scanners and a population of possible destination computers. Instead, the claimed invention enables a system whereby each possible destination computer (and there may be any number of such computers) acts as its **own** scan server. Because the claimed method obviates a need for a central scan server, the claimed method also enables scanning operations to be **initiated** at a scanner, i.e., without having to send a command to a scan server.

With respect to the recited elements of the claimed invention, Figure 3 as filed is a diagram of a *single* computer 200 of a population of possible destination computers, as described in the Specification as filed at page 5, line 14-page 6, line 9. Figure 3 is reproduced on the following page.



In brief, in *each* possible destination computer 200, a predetermined port 202 is assigned to accept files from a scanner. The port 202 is associated by the daemon 204 with the root directory of the computer 200, which in turn directs the incoming image data to a "target file" 206. The "target file" 206 of the destination computer is polled at all times to check for incoming images from a scanner, regardless of whether any image data was expected at any time. The present invention thus provides software by which **each possible destination computer 200 acts as its own scan server.**

The practical advantages of the claimed system, in contrast to prior-art arrangements, are:

1) scanning of documents can be initiated at a scanner, and

2) an intermediate scan server, such as shown as 99 in Figure 1, is not needed.

VI. Grounds of Rejection to be Reviewed on Appeal

The following grounds of rejection are presented for review:

Claims 21-29 are rejected as having been obvious under 35 USC §103(a) over Shih in view of Lo.

VII. Arguments

A. Claims 21-29 Would Not Have Been Obvious Over Shih in View of Lo

The Examiner has rejected claims 21-29 over Shih in view of Lo.

Claim 21, from which all of the other claims are dependent, recites the following steps:

> entering, at a user interface associated with the input scanner, a destination of a document scanned at the input scanner, the destination including a reference to a predetermined file location retained in the destination computer;
>
> the destination computer polling the file location; and
>
> image data moving from the input scanner ***directly to a port*** associated with the destination computer.

The "directly to a port" language in the claim means there is no intermediate scan server in the claimed invention, and that none is needed.

The rejection alleges that the primary reference, Shih, teaches entering the predetermined file location in the destination computer, and points to various passages in Shih to demonstrate the teaching.

However, Shih clearly states that "the document signals are transmitted across the network in an *electronic mail (e-mail) format*" (column 3, lines 51-54, emphasis added).

As is well known in the art, in order to sustain any electronic mail format, there *must* be provided at least one e-mail server, interposed between the source and the destination of the data. Because Shih teaches an e-mail server, it cannot teach that the image data is moved **directly to a port** associated with the destination computer, as recited in the claimed invention.

The secondary reference, Lo, is cited for teaching a scanning system wherein the image is sent from the scanner to the destination port. However, Lo clearly teaches a scanner *server* interposed between a scanner and a destination computer, or client computer:

> These and other objects [of the invention] are accomplished by a network image scanning system which includes a client computer **and a scanner server computer connected by a network,** the server computer having the scanner connected thereto. ... [A] virtual TWAIN driver allows the application program to act, to a certain extent, **as if the client computer is directly connected to an image scanner, even though the scanner is connected to a scanner server,** the scanner server being connected to the client computer over a computer network. (Column 2, lines 22-33, emphases added.)

By its own admission, Lo teaches that it is desirable that a scanner server be invisible so that the scanner "seems" to be directly connected to the client computer— but there is *still* a scanner server between the scanner and the destination computer. With the claimed invention, there is *actually* a

direct connection between a scanner and a destination computer, *without* an intermediate server. Lo merely *simulates* what the claimed invention actually *enables*.

Shih teaches moving data from a scanner to a computer in an e-mail format, which indicates there is an intermediate e-mail server. **Lo** similarly teaches the existence of an intermediate network server, although it is desirable to *simulate* a direct connection. **Neither reference, alone or in combination, teaches a direct connection between a scanner and a port of a destination computer, i.e., a connection without an intermediate server. The references can in no way be combined to sustain the rejection under 35 USC 103(a).** For this reason, claim 21 and its dependent claims 22-29 are allowable.

VIII. Conclusion

For all of the reasons discussed above, it is respectfully submitted that the rejections are in error and that claims 21-29 are in condition for allowance. For all of the above reasons, Appellants respectfully request this Honorable Board to reverse the rejections of claims.

Respectfully submitted,

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Attachments

Appendix A - Claims on Appeal

21. (Previously Presented) A method of scanning a document at an input scanner and recording image data derived from the document at a selected destination computer among a population of destination computers, comprising:

entering, at a user interface associated with the input scanner, a destination of a document scanned at the input scanner, the destination including a reference to a predetermined file location retained in the destination computer;

the destination computer polling the file location; and

image data moving from the input scanner directly to a port associated with the destination computer.

22. (Previously Presented) The method of claim 21, there being no server operatively interposed between the input scanner and the port associated with the destination computer.

23. (Previously Presented) The method of claim 21, the destination computer not polling the port through which image data from the scanner enters the destination computer.

24. (Previously Presented) The method of claim 21, further comprising

the selected destination computer activating an image acquisition program in response to detecting incoming image data in the file location.

25. (Previously Presented) The method of claim 21, further comprising

a daemon within the destination computer conveying image data from the port to the file location.

26. (Previously Presented) The method of claim 21, the input scanner scanning a document including a plurality of page images.

27. (Previously Presented) The method of claim 21, further comprising

the destination computer sending a template to the input scanner, the template including a network address of the computer.

28. (Previously Presented) The method of claim 27, further comprising

in response to receiving a confirmation of receiving the template from the input scanner, the destination computer retaining information about the input scanner.

29. (Previously Presented) The method of claim 28, further comprising

the destination computer retaining information about the input scanner on a list of approved input scanners; and

the destination computer refusing to accept image data from an input scanner not associated with the list of approved input scanners.

Appendix B – Evidence Appendix

None

Appendix C – Related Proceedings Appendix

None